UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2007 OCT -9 AM 11:30

UNITED STATES OF AMERICA,	Magistrate Docket No. '07 MJ 2401
Plaintiff,	
v.	COMPLAINT FOR VIOLATION OF:
Leonel VALLEJO-Guillen,	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	

The undersigned complainant, being duly sworn, states:

On or about **October 5, 2007** within the Southern District of California, defendant, **Leonel VALLEJO-Guillen,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **9th** DAY OF **OCTOBER, 2007**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Leonel VALLEJO-Guillen

PROBABLE CAUSE STATEMENT

On October 5, 2007 at approximately 2:00 a.m., Border Patrol Agent M. Ambrosia was performing line watch duties in and around Jacumba, California. Jacumba is located approximately 25 miles east of the Tecate, California Port of Entry and directly north of the United States/Mexico International Boundary. At this time, Agent Ambrosia received information about a possible group of illegal aliens just south of Interstate 8 near call box 8-718. This area is located about two miles northeast of Jacumba and is a commonly used load spot for illegal aliens to further their entry into the interior of the United States. Agent Ambrosia parked his Agency vehicle about 1/4 mile west of the callbox and began walking eastbound towards the callbox, which is a commonly used landmark where alien smuggling organizations pick up their groups of illegal aliens. Agent Ambrosia discovered fresh foot sign indicating a group of people had recently been through that area. Agent Ambrosia followed the foot sign for approximately 200 yards south until he came upon a group of four individuals, including one later identified as the defendant Leonel VALLEJO-Guillen, hiding in the brush. Agent Ambrosia identified himself as a United States Border Patrol Agent and proceeded to determine the citizenship of the four individuals. All four individuals, including the defendant stated that they are citizens and nationals of Mexico and did not have the proper immigration documentation to enter or remain in the United States legally. Agent Ambrosia placed all four subjects under arrest and transported them to the Boulevard Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 07, 2003** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on October 6, 2007 at 9:30 A.M.

Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **October 5, 2007** in violation of Title 8, United States Code, Section 1326.

Leo S. Papas
United States Magistrate Judge

10/6/07 1200pm
Date/Time